

**UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF PENNSYLVANIA**

CHERYLE PATTERSON,

Plaintiff,

V.

OKINUS, INC.,

Defendant.

Case No.:

COMPLAINT AND DEMAND FOR JURY TRIAL

(Unlawful Debt Collection Practices)

COMPLAINT

CHERYLE PATTERSON (“Plaintiff”), by and through her attorneys,
KIMMEL & SILVERMAN, P.C., alleges the following against OKINUS, INC.
 (“Defendant”):

INTRODUCTION

1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* ("TCPA").

JURISDICTION AND VENUE

2. Jurisdiction of this Court arises under 28 U.S.C. § 1331, which grants this court original jurisdiction of all civil actions arising under the laws of the United States. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 740, 747, 181 L. Ed. 2d 881 (2012).

1 12. When contacting Plaintiff on her cellular telephone, Defendant used
2 an automatic telephone dialing system and automated and/or pre-recorded
3 messages.

4 13. Plaintiff knew that Defendant was Defendant was using an automatic
5 telephone dialing system and automated and/or pre-recorded messages as Plaintiff
6 often would answer a call to be greeted with a noticeable delay before speaking to
7 one of Defendant's representatives.
8

9 14. Defendant's telephone calls were not made for "emergency
10 purposes."
11

12 15. Desiring to stop these repeated calls, Plaintiff spoke with Defendant
13 in or about September 2016 and requested that the calls stop immediately.
14

15 16. Plaintiff also informed Defendant that she could not afford to make
16 any payments.

17 17. This was Plaintiff's way of revoking any consent that Defendant
18 may have had to call her on her cellular telephone.
19

20 18. Once Defendant was told the calls were unwanted and to stop, there
21 was no lawful purpose to making further calls, nor was there any good faith
22 reason to place calls.
23

24 19. Despite Plaintiff's clear revocation of consent to call her cellular
25 phone, Defendant persisted in calling Plaintiff through November 2016 despite

1 multiple requests to cease calling her cellular telephone.

2 20. After Plaintiff's repeated requests to stop the calls were ignored by
3 Defendant, she had no other option but to install a blocking application on her
4 cellular devise to block calls from Defendant's phone numbers.
5

6 21. Upon information and belief, Defendant conducts business in a
7 manner which violates the Telephone Consumer Protection Act.
8

9
10 **DEFENDANT VIOLATED THE**
11 **TELEPHONE CONSUMER PROTECTION ACT**

12 22. Plaintiff incorporates the forgoing paragraphs as though the same
13 were set forth at length herein.

14 23. Defendant initiated multiple automated telephone calls to Plaintiff's
15 cellular telephone using a prerecorded voice.

16 24. Defendant initiated these automated calls to Plaintiff using an
17 automatic telephone dialing system.
18

19 25. Defendant's calls to Plaintiff were not made for emergency purposes.

20 26. Defendant's calls to Plaintiff were not made with Plaintiff's prior
21 express consent as she revoked consent in or around September 2016.
22

23 27. Defendant's acts as described above were done with malicious,
24 intentional, willful, reckless, wanton and negligent disregard for Plaintiff's rights
25 under the law and with the purpose of harassing Plaintiff.

1 28. The acts and/or omissions of Defendant were done unfairly,
2 unlawfully, intentionally, deceptively and fraudulently and absent bona fide error,
3 lawful right, legal defense, legal justification or legal excuse.

4 29. As a result of the above violations of the TCPA, Plaintiff has suffered
5 the losses and damages as set forth above entitling Plaintiff to an award of
6 statutory, actual and treble damages.
7

8
9 WHEREFORE, Plaintiff, CHERYLE PATTERSON, respectfully prays for
10 a judgment as follows:
11

- 12 a. All actual damages suffered pursuant to 47 U.S.C.
13 §227(b)(3)(A);
14 b. Statutory damages of \$500.00 per violative telephone call
15 pursuant to 47 U.S.C. §227(b)(3)(B);
16 c. Treble damages of \$1,500 per violative telephone call pursuant
17 to 47 U.S.C. §227(b)(3);
18 d. Injunctive relief pursuant to 47 U.S.C. §227(b)(3); and
19 e. Any other relief deemed appropriate by this Honorable Court.
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DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, CHERYLE PATTERSON,
demands a jury trial in this case.

Respectfully submitted;

DATED: March 9, 2017

/s/ Amy L. Bennecoff Ginsburg
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